

Tribes and Lawmakers Meet to Resolve Issues

Written by Kathleen Vinehout, State Senator 31st District
Wednesday, 19 September 2018 04:31

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Sen. Kathleen Vinehout explores the issues facing Wisconsin's eleven sovereign tribes, like Tribal courts, voter ID and educating our children about the importance of State Tribal relations.

MADISON - "Can you fix Syria?" a woman asked me. "No," I said as I shook my head. "Syria is a bit above my pay-grade. My international work [as State Senator] is limited to work with our Native Tribes."

Native Tribes are sovereign nations.

Tribes have their own government including legislatures and courts. Many federal laws and treaties govern Wisconsin Tribes. But so do our state laws.

The delicate intersection between Wisconsin Tribes and the State of Wisconsin is the purview of the Special Committee on State-Tribal Relations.

Recently the State Tribal Relations Committee convened in the Capitol. This committee is one of the most unique in all of the Legislature. It consists of leaders of all of Wisconsin's eleven tribal nations and a bipartisan group of lawmakers from both chambers.

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The Tribal Leaders are so much a part of the committee that the Chair in our recent meeting referred to long-time Menominee Tribal Chair and current Tribal Legislator, Mr. Gary Besaw, as “Representative” Besaw.



“I’ve lived here long enough to be part of the Legislature,” smiled Mr. Besaw. The Chair of our committee apologized for an easily-made mistake.

Tribal leaders work directly with lawmakers and Legislative Council attorneys to craft laws that affect the tribe. Like lawmakers, they propose legislation, review bill drafts and ask for research from our attorneys.

The meeting began with an overview of past legislative successes. Last year, lawmakers passed a new law to allow tribal identification cards to be used for various purposes when state law requires an ID card. Most importantly, the cards can be used for proof of residence for voting.

Frequently lawmakers pass laws that may benefit Tribal Nations but forget to include the proper language in the law. One such oversight was remedied by allowing Tribal Nations to seek state grants for alternatives to prison. Many of our local courts started alternatives to prison programs for those suffering from addiction and/or mental illness. These treatment courts are effective at helping folks stay clean and avoid prison.

Another successful law passed in 2017 was Act 352. This law stiffens penalties for individuals who threaten or cause bodily harm to tribal judges, prosecutors and police officers – just as their non-native counterparts in our local courts.

Tribal judges from Oneida and Lac Courte Oreilles, a Menominee attorney and Tribal Representative, Gary Besaw testified asking for an expansion of the law protecting those who work in our tribal courts.

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The judges mentioned several stories about court officers threatened or killed by unhappy defendants or family members. The discussion around expanding the protection of court officers provided us “non-native” members a glimpse into how tribal courts are different from “western” courts.

“In traditional tribal courts, we often teach our own traditions,” explained one of the judges. Tribal Elders can provide testimony. There’s a “Counsel of Grandmothers” the court calls on for advice. As non-natives, we think of court as adversarial. But the tribal judges explained that court proceedings can be healing for family members.

Resolving differences between tribal law and Wisconsin law is why the committee exists. But committee work is much broader. At its heart, the committee exists to promote positive relations between our state and the eleven sovereign Tribal Nations.

An act to teach students about these relations came up as a topic before our committee. Known by its legal name, Act 31, the law set requirements for schools. Tribal leaders asked for changes in this nearly thirty-year-old law. Mr. Besaw shared challenges faced by his daughter who felt isolated after a classroom discussion about ancestry and the lack of understanding of the history of Native peoples.

The committee grappled with how to create a 21st century education system so all students are welcome and prepared to live and work in our diverse state.

The issues aren’t quickly resolved, but having a space for the discussion begins the process. As a longtime member of the Committee, and currently it’s Vice Chair, I find this committee’s work most cordial and refreshingly bipartisan.